

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
08/06/2012 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2012-004210

08/03/2012

HONORABLE MARIA DEL MAR VERDIN

CLERK OF THE COURT
J. Rutledge
Deputy

DAVID DOMINGUEZ MENDOZA

DAVID CAREY SHAPIRO

v.

CITY OF PEORIA, et al.

MICHAEL WAWRO

MINUTE ENTRY

The Court is in receipt of the Defendants' Motion for a More Definite Statement, filed June 19, 2012; the Plaintiffs' Response, filed July 12, 2012; and the Defendants' Reply, filed July 24, 2012.

The Court has considered the matters presented.

The Plaintiff is correct in pointing out that notice pleading is sufficient in Arizona. Nevertheless, the Court having reviewed the pleading determines that it is difficult to follow and a more concise statement would be helpful in moving the matter along. The Parties will have an opportunity to conduct full discovery and present evidence at the appropriate juncture in the case proceedings.

IT IS ORDERED granting Defendants' Motion for a More Definite Statement, filed June 19, 2012. Specifically and without graphics, the Court directs that the Plaintiffs list in one paragraph for each specific claim 1) the cause of action, 2) the elements of the cause of action, and 3) brief summary of facts to support the claim. Additionally, again in a paragraph, the Plaintiff is directed to advise which, if any, federal claims are being sought so that the Defendants can properly respond.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2012-004210

08/03/2012

The Court encourages the Parties through Counsel to continue to work professionally with one another in an attempt to resolve any disputes or concerns regarding the pending litigation.

The Court takes no further action at this time.

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
12/07/2012 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2012-004210

12/05/2012

HONORABLE MARIA DEL MAR VERDIN

CLERK OF THE COURT
C. Danos
Deputy

DAVID DOMINGUEZ MENDOZA

DAVID CAREY SHAPIRO

v.

CITY OF PEORIA, et al.

MICHAEL WAWRO

MINUTE ENTRY

The Court is in receipt of the Defendants' Motion to Dismiss First Amended Complaint filed September 18, 2012; the Plaintiff's Response filed October 4, 2012; and the Defendants' Reply filed October 11, 2012.

The Court in its discretion does not set Oral Argument.

The Court has considered the matters presented.

The Defendants seek a dismissal of the Complaint because the Plaintiff has failed to comply with the Court's directive to provide a more concise complaint. The Court agrees that the Amended Complaint filed fails to comply with the Court's expectation. Nevertheless, a sanction dismissing the matter would harshly sanction the litigant for counsel's lack of compliance.

Therefore, the Court grants the Plaintiff one more opportunity to adhere to the Court's previous ruling.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2012-004210

12/05/2012

IT IS ORDERED reaffirming the previous order of August 2, 2012 and granting Defendants' Motion for a More Definite Statement filed June 19, 2012. **Specifically, and without graphics, the Court directs that the Plaintiff list in one paragraph for each specific claim 1) the cause of action, 2) the elements of the cause of action, and 3) a brief summary of facts to support the claim. Additionally, again in a paragraph, the Plaintiff is directed to advise which, if any, federal claims are being sought so that the Defendants can properly respond.**

IT IS ORDERED compliance shall be on or before **January 10, 2013**.

IT IS FURTHER ORDERED denying the Defendants' Motion to Dismiss First Amended Complaint filed September 18, 2012. The Court believes that while a sanction in the form of dismissal is premature at this time it may be appropriate should the Plaintiff once again fail to comply with the Court's directives.

Given the circumstances, the Court finds that an award of attorney's fees to the Defendants as it pertains to the filing of this Motion only is appropriate at this time.

IT IS ORDERED that Counsel for the Defendants may file an order form and affidavit for attorney's fees for the preparation of the Defendants' Motion to Dismiss First Amended Complaint filed September 18, 2012 and the Defendants' Reply filed October 11, 2012, for the Court's consideration.

The Court takes no further action at this time.

PLEASE NOTE: If/when a party files a pleading within 48 hours of a scheduled event, the party should also e-mail same to the Court's Judicial Assistant at the following: mgabek@superiorcourt.maricopa.gov

NOTE: COUNSEL SHALL UPLOAD AND E-FILE ALL PROPOSED ORDERS IN WORD FORMAT ONLY TO ALLOW FOR POSSIBLE MODIFICATIONS BY THE COURT.

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.

Michael K. Jeanes, Clerk of Court
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12/07/2012 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2012-004210

12/05/2012

HONORABLE MARIA DEL MAR VERDIN

CLERK OF THE COURT
C. Danos
Deputy

DAVID DOMINGUEZ MENDOZA

DAVID CAREY SHAPIRO

v.

CITY OF PEORIA, et al.

MICHAEL WAWRO

MINUTE ENTRY

The Court has received Plaintiff's Request for: 1) Rule 16 Scheduling Conference and 2) To Continue this Matter on the Inactive Calendar filed November 9, 2012.

Good cause not appearing,

IT IS ORDERED denying Plaintiff's Request for Rule 16 Scheduling Conference as premature.

Good cause appearing,

IT IS ORDERED granting Plaintiff's Request to Continue this Matter on the Inactive Calendar.

IT IS FURTHER ORDERED placing this matter on the inactive calendar for dismissal on **March 5, 2013**.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2012-004210

12/05/2012

PLEASE NOTE: If/when a party files a pleading within 48 hours of a scheduled event, the party should also e-mail same to the Court's Judicial Assistant at the following: ***mgabel@superiorcourt.maricopa.gov***

NOTE: COUNSEL SHALL UPLOAD AND E-FILE ALL PROPOSED ORDERS IN WORD FORMAT ONLY TO ALLOW FOR POSSIBLE MODIFICATIONS BY THE COURT.

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Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
09/20/2012 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2012-004210

09/18/2012

HONORABLE MARIA DEL MAR VERDIN

CLERK OF THE COURT
L. Stogsdill
Deputy

DAVID DOMINGUEZ MENDOZA

DAVID CAREY SHAPIRO

v.

CITY OF PEORIA, et al.

MICHAEL WAWRO

MINUTE ENTRY

The Court has received Defendants' City of Peoria and City of Peoria Police Department's Motion to Strike Complaint for Failure to Comply with A.R.Civ.P 12(e), filed August 22, 2012; Plaintiffs' Response to Defendants' Motion to Strike Complaint, filed August 31, 2012; and Defendants' City of Peoria and City of Peoria Police Department's Reply in Support of Motion to Strike Complaint for Failure to Comply with A.R.Civ.P 12(e), filed September 11, 2012.

IT IS ORDERED denying Defendants' Motion to Strike. Counsel are encouraged to renew their commitment to one another to work professionally in an attempt to resolve pending issues.

The Court in its discretion does not set oral argument.

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.

Office Distribution

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

••FILED••

07/25/2012

by Superior Court Admin
on behalf of Clerk of the
Superior Court

Ct. Admin
Deputy

07/21/2012

COURT ADMINISTRATION

CASE NUMBER: CV2012-004210

David Dominguez Mendoza

V.

City Of Peoria

The Judge assigned to this action is the Honorable Maria Del Mar Verdin

150 DAY ORDER

This action was filed more than 150 days ago. If there is any conflict between this order and any order from the assigned judge, the assigned judge's order governs. This order provides notice of requirements, pursuant to Rule 38.1, Arizona Rules of Civil Procedure. Rule 38.1 applies to all civil actions, including those subject to arbitration.

IT IS HEREBY ORDERED:

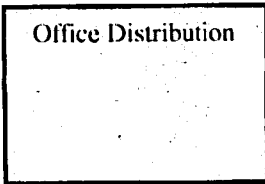
Rule 38.1 of the Arizona Rules of Civil Procedure will be strictly enforced. The parties shall *file and serve* on court and counsel the following documents:

1. A motion to Set and Certificate of Readiness or an Appeal from Arbitration shall be filed on or before 11/13/2012 12:00:00AM. (The motion shall include an estimate of the length of trial) If Rule 38.1 is not complied with, the case will be placed on Inactive Calendar on the date shown above and it will be dismissed pursuant to Rule 38.1, without further notice, on or after 1/14/2013 12:00:00AM. *

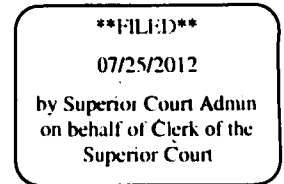
2. All parties' specific objections to witnesses and exhibits listed by other parties must be submitted with or stated in the Joint Pretrial Statement. Reserving all objections to witnesses or exhibits until time of trial will not be permitted.

LATE DISCOVERY. A Motion to set and Certificate of Readiness certifies that the parties have completed or will have had a reasonable opportunity to complete discovery within 60 days after the motion is filed. [Local Rule 3.4 and Rule 38.1 (f) Arizona Rules of Civil Procedure] Discovery should be completed in accordance with the Rule.

IF THIS IS AN ARBITRATION CASE. If this case is subject to mandatory arbitration, Rule 74 (b) of the Arizona Rules of Civil Procedure establishes the time for beginning the arbitration hearing. In light of the deadlines established by Rule 38.1 (d) of the Arizona Rules of Civil Procedure, counsel should be sure that arbitrators are timely appointed and that arbitrators complete the arbitration process within the time provided under Rule 38.1 (d) for motions to set. As Rule 76(a) of the Arizona Rules of Civil Procedure provides, an Appeal from Arbitration and Motion to Set for Trial serves in place of a Motion to Set and Certificate of Readiness under Rule 38.1 (a), Arizona Rules of Civil Procedure.



**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**



07/21/2012

COURT ADMINISTRATION

Ct. Admin
Deputy

CASE NUMBER: CV2012-004210

David Dominguez Mendoza

V.

City Of Peoria

EXTENSIONS OF TIME TO SERVE PROCESS. If there has been an extension of time to serve the summons and complaint, (a) Rule 38.1 still applies and (b) some parties and counsel may not receive a copy of this order. Plaintiff should send copies to each of them and retain a copy of the transmittal letter.

ALTERNATIVE DISPUTE RESOLUTION. Pursuant to Rule 16 (g), Ariz. Rules of Civil Procedures, counsel for the parties, or the parties if not represented by counsel, shall confer regarding the feasibility of resolving the parties' dispute through alternative dispute resolution methods such as mediation or arbitration with a mediator or arbitrator agreed to by the parties. Counsel shall discuss with their clients the resolution of the dispute through an alternative dispute resolution method prior to the conference with opposing counsel.

***RELIEF FROM RULE 38.1 DEADLINES; CONTINUANCES ON INACTIVE CALENDAR.** The rules require a Motion to Set within nine months after the action is filed. Discovery is to be completed about two months later (see Late Discovery above). A motion to vacate or abate this order will not change the deadlines. A premature Motion to Set violates Rule 11, Arizona Rules of Civil Procedures.

For good cause, the assigned judge may extend time for dismissal or continue the action on Inactive Calendar to an appropriate date. If an arbitration hearing has been held, or is set in the near future, the date of that hearing should be included in any motion to extend Rule 38.1 deadlines or to continue on Inactive Calendar. Stipulations to continue and delays for settlement negotiations are not good cause. Except in extraordinary cases, the court will not grant trial continuances based on late discovery.

Michael Wawro
STE 280
8401 W MONROE ST
Peoria, AZ United States 85345

Superior Court of Maricopa County - integrated Court Information System
Endorsee Party Listing

Case Number: CV2012-004210

Party Name	Attorney Name	
David Dominguez Mendoza City Of Peoria	David Carey Shapiro Michael Wawro	Bar ID: 028056 Bar ID: 020056

RECEIVED
JUL 30 2012

OFFICE OF THE CITY ATTORNEY
PEORIA, ARIZONA

SCANNED

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
01/28/2013 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2012-004210

01/25/2013

HONORABLE MARIA DEL MAR VERDIN

CLERK OF THE COURT
C. Danos
Deputy

DAVID DOMINGUEZ MENDOZA

SCOTT H ZWILLINGER

v.

CITY OF PEORIA, et al.

MICHAEL WAWRO

CONFERENCE RESET

On the Court's own motion,

IT IS ORDERED resetting the in-person scheduling conference currently set in this matter from **March 28, 2013 at 9:00 a.m.** to March 28, 2013 at 10:00 a.m. in this division.

PLEASE NOTE: If/when a party files a pleading within 48 hours of a scheduled event, the party should also e-mail same to the Court's Judicial Assistant at the following: *mgabel@superiorcourt.maricopa.gov*

NOTE: COUNSEL SHALL UPLOAD AND E-FILE ALL PROPOSED ORDERS IN WORD FORMAT ONLY TO ALLOW FOR POSSIBLE MODIFICATIONS BY THE COURT.

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01/07/2013 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2012-004210

12/21/2012

HONORABLE MARIA DEL MAR VERDIN

CLERK OF THE COURT
C. Danos
Deputy

DAVID DOMINGUEZ MENDOZA

DAVID CAREY SHAPIRO

v.

CITY OF PEORIA, et al.

MICHAEL WAWRO

RULE 16 SCHEDULING CONFERENCE SET

The Court is in receipt of the Plaintiff's Request for Emergency Mandatory Rule 16 Scheduling Conference filed December 7, 2012 and Request for Mandatory Rule 16 Scheduling Conference Pursuant to Rule 16(b) A.R.C.P. filed December 7, 2012.

The Court has considered the matters presented.

The Court does not deem the circumstances to warrant an emergency hearing. Further, Rule 16(b) A.R.C.P. does not contemplate a discussion with the Court about the Minute Entries of August 2, 2012 and December 5, 2012. Those rulings shall remain in effect.

Rule 16(b) A.R.C.P. does contemplate scheduling and discovery deadlines.

Therefore,

IT IS ORDERED setting this matter for an **in-person scheduling** conference on **March 28, 2013 at 9:00 a.m. (45 minutes)** before:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2012-004210

12/21/2012

**THE HONORABLE MARIA DEL MAR VERDIN
MARICOPA COUNTY SUPERIOR COURT
OLD COURTHOUSE
125 WEST WASHINGTON
3RD FLOOR, COURTROOM 303
PHOENIX, AZ 85003
602-506-2603 TEL**

All counsel are directed to meet personally before the scheduling conference to discuss all of the matters set forth in Rules 16(a) and (b), A.R.C.P. Counsel shall prepare and file with the Court **five (5) working days** before the conference, a **Joint Pretrial Memorandum** addressing at least the following items:

1. An agreed-upon schedule for completion of discovery. As far as can reasonably be anticipated, each party shall set forth the depositions they anticipate taking and the approximate time required for each; any and all medical examinations which may be required of any of the parties; the person or persons to conduct such examinations; all requests for production; and all tangible evidence to be disclosed or exchanged.
2. A date for the final disclosure of expert witnesses, and/or to supplement disclosures made to date.
3. A date or dates for the final disclosure of all non-expert witnesses, and/or to supplement disclosures made to date.
4. The number of additional non-uniform interrogatories requested by each party and the reasons for the requests. Further, counsel shall set forth any written discovery outstanding and a date when it will be complete.
5. The position of each counsel on whether the Rule 38.1 A.R.C.P. time limits should be waived.
6. A proposed date for a Mandatory Settlement Conference pursuant to Rule 16.1, A.R.C.P.
7. An agreed-upon date for compliance with Rule 16(d), A.R.C.P. The parties shall attach a copy of the Rule 16(g) form so the Court can issue the appropriate order for alternate Dispute Resolution.
8. Set forth any discovery disputes to date or Rule 26.1 compliance issues.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2012-004210

12/21/2012

9. A deadline for filing dispositive motions.

If counsel are unable to agree on any of the items of the Pretrial Statement, the reasons for their inability to agree shall be set forth in the Pretrial Statement.

Counsel are reminded that the Court will impose sanctions against counsel and/or their clients for failure to participate in good faith in the preparation of the Pretrial Statement or the conference.

IT IS ORDERED that all Motions, Responses, Replies and other Court requested filings in this case must be submitted individually. Counsel shall not combine any Motion within a responsive pleading. All Motions are to be filed separately and designated as such. No pleadings will be accepted if filed in combination with another.

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